

**Northeastern Great Basin Resource Advisory Council**  
**Meeting Minutes**  
**April 24, 2008**  
**Battle Mountain District Office**  
**Battle Mountain, Nevada**

**Resource Advisory Council (RAC) Members Present and Category Represented:**

Larry Barngrover	(2) Wildlife
Sheri Eklund-Brown	(3) Elected Official
Tom Connolly	(1) Federal Grazing
Neil Frakes	(2) Environmental
Vince Garcia	(3) Native American
Jon Griggs	(1) Federal Grazing
Kevin Lee	(1) Transportation/ROW
Kirk Nicholes	(1) Energy/Minerals
Patsy Tomera	(3) Public-At-Large
Barry Perryman	(3) Academia
Cyd McMullen	(2) Archaeology
Jeff White	(1) Energy/Minerals

**Bureau of Land Management (BLM) Representatives Present:**

Stephanie Trujillo	Land Law Examiner, Ely District Office
Ken Miller	District Manager, Elko District Office
Dan Netcher	Deputy Project Manager, Nevada State Office
Chris Hanefeld	Public Affairs Officer, Ely District Office
Michael Herder	District Manger, Ely District Office
Rochelle Ocava	Public Affairs Specialist, Nevada State Office
Ken Loda	Supervisory Geologist, Winnemucca District Office
Gerald Smith	District Manager, Battle Mountain District Office
Steve Tryon	Assistant Field Manager, Southern Nevada Public Lands Management Act
Leesa Marine	Administrative Assistant, Battle Mountain District Office

**Other Attendees:**

Terry Chute	District Ranger, Humboldt-Toiyabe National Forest, Ruby Mountains & Jarbridge Districts
Lisa Wolf	Eureka Sentinel
Donnie Hansen	Public
Judy Overton	Public
John Overton	Public

**8:15 a.m. RAC Chairman Vince Garcia called the meeting to order and welcomed everyone. Everyone introduced themselves.**

## **I. REVIEW & APPROVAL OF MINUTES FROM PREVIOUS MEETING**

- Review and Approval of Minutes from Tri-County Meeting (quorum not present at the February 21<sup>st</sup> meeting): approved with Jerry's and Sheri's changes (given to Mike).

**- Patsy Tomera motioned to accept the minutes with all the changes; Tom Connolly seconded the motion. All in favor.**

-Minutes of February 21, 2008 meeting (Ely, Nevada) will be approved at the next meeting; corrections were given to Stephanie from Sheri Eklund-Brown.

## **II. MINERALS SPLIT ESTATE PROCESSING**

Split estate is land with private surface and the mineral estate is retained by the United States. In addition, it presumes that the reserved mineral estate is available for mining claim location under the General Mining Law of 1872, as amended.

These are generally lands patented under the former provisions of the Taylor Grazing Act, 43 U.S.C. 315(p) and Homestead Act lands that were patented under the provisions of the Stockraising Homestead Act, as amended. These Homestead Act lands are held to be Stockraising Homestead Act lands for the purpose of administering the reserved Federal mineral estate. The minerals split estate brochure deals with leasable minerals; this is separate from surface and minerals estate of land. The Bureau manages split estate (Winnemucca, Elko, and Battle Mountain) while someone else owns the surface. The BLM will exercise its regulatory jurisdiction on split estate lands for the area of operations within the boundaries of a mining claim(s) directly involved in exploration and mining activities and for the necessary access to those mining claim(s) and exploration activities outside claim boundaries and associated access. The area to be bonded is limited to the approved area of operations and to all access roads and facilities across split estate and public lands that are necessary for the operation. On Stockraising Homestead Act (SRHA) lands, a PoO bond must cover the cost of reclamation. In addition, if the reclamation will not return the land to its pre-mining use, then the bond must also provide for loss of use of the post-mining surface. The Minerals reservation holder has the right to activate or development of those minerals. There is no guidance for this. On split estate lands, any NEPA analysis must cover the entire mining operation and associated facilities regardless of land ownership because BLM retains responsibility for compliance with NEPA. Also, the mitigation measures must be developed from an analysis of the entire mining operation regardless of the mining claim boundaries. If you perform a title search a minerals estate title search is not given unless requested. Utah and Arizona also faces this same situation. Utah has authorized split estates as special use permits (43 CFR 2920).

-Sheri Eklund-Brown asked how they are working with private property owners on split estates.

-Ken Loda said it is laid out in the split estate handouts. It includes bonding and reclamation, focus on improvements.

-Jerry Smith said that an IM was put out in 2005 for 3809.

-Ken Loda added that generally surface estate can't regulate anything on private land but can work with the state. Loda also added that specific direction was received from the solicitor.

-Barry Perryman questioned what solicitor they had received direction from.

-Ken Loda responded the regional solicitor in Utah.

-Barry Perryman asked what about when prices go up, and what does Washington think of Utah's procedures?

-Ken Loda said that Washington has upheld Utah's procedures.

-Jon Griggs asked if there is a way private land owners can file claims on public land.

-Ken Loda responded yes.

-Sheri Eklund-Brown questioned if local county and city jurisdiction is recognized.

-Ken Loda responded that the Bureau of Land Management (BLM) won't issue permits that contradict local policies. Local agencies should be consulted in any NEPA process.

-Sheri Eklund-Brown asked if the city can protest.

-Ken Loda responded yes.

-Sheri Eklund-Brown asked if it was possible to go against a city ordinance.

-Ken Loda answered yes.

Sheri Eklund-Brown asked who has priority federal or state.

-Ken Loda responded that federal law is the priority.

-Tom Connolly stated that on a ranch split estate if someone already has a claim on your land you can't take the claims unless they have abandoned them. Connolly also stated that the big mining companies are good and will work with you on compensation for your land.

-Ken Loda stated that the Bureau of Land Management is in effect tenants or owners and that as tenants or owners we need to take care of that land.

-Tom Connolly added that the best way to deal with it is to get an attorney, file a claim stating that there are no precious metals there and have it transferred from public to private.

-Ken Loda said there is no guidance on how to deal with them. You can petition, there are 2 things: one is to establish that it is nominal value and how did estate get split.

-Tom Connolly asked what the difference is.

-Ken Loda said the Stock Grazing Act was in the 1800's and it allowed for agriculture. Entries for lands with agricultural use were patented if proven that the use was needed.

-Patsy Tomera said the point-raise exchange was land that was traded from different areas; the government maintained the mineral rights, but traded the land.

-Ken Loda added that the Taylor grazing act kept mineral rights available under appropriate laws and regulations.

-Patsy Tomera restated that the government kept the minerals.

-Ken Loda commented that Nevada minerals include everything under the soil and not what was on the top of the soil.

-Sheri Eklund-Brown asked what if they own land but are concerned with oil and gas and if it has been withdrawn.

-Jerry Smith stated that the land should not be leased out if it's been withdrawn.

-Ken Loda said to get in touch with your local office to see about split estate parcels and what to do with them.

-Ken Miller added if it comes up discuss it with the county.

-Patsy Tomera commented that the owner should have first right.

-Tom Connolly added that the surface mineral rights have priority.

-Patsy Tomera said the fight is over surface and minerals.

-Ken Loda stated that the type of minerals needs to be looked at.

-Barry Perryman added that if the minerals are already leased the agency can't come in and deny it.

-Jerry Smith said the nominations for Oil and Gas comes from the State Office. The State Office sends up the leases and the offices will check:

- LUP
- Surface
- See if it has been withdrawn
- See if the county has any restrictions
- See if there is any ESA issues
- If zoning is applied by county
- See if county wants restrictions on this area
- Many have to do LUP Amendments
- Do an EA

-Smith also added doing an EA will put off the lease, until the EA is done. If it is leased and there are no restrictions on it the thought is that it can be developed. This is why we need restrictions put on them.

-Ken Loda said a mineral lease contract between the government and lessee needs to be completed. The agency is not allowed to tell them they can't do it.

-Sheri Eklund-Brown questioned who regulates the private divisions.

-Jerry Smith said the state regulates the private sector. Smith also said that the Battle Mountain BLM is revising the LUP now and are working with the county to see what their ordinates are.

-Sheri Eklund-Brown asked about the zoning laws.

-Barry Perryman responded that the zoning would be different in all counties.

-Jeff White said that there were major issues with the mixed ownership of surface and minerals in Humboldt County and this had resulted in some messy situations.

-Larry Barngrover asked if you can have restrictions on density and surface impacts in a LUP.

-Jerry Smith responded yes, that LUP's are approved by the State and Washington.

-Larry Barngrover asked if there are certain restrictions to certain habitat and certain impacts.

-Ken Loda questioned that you need to know what kinds of stipulation you want to make. Nevada has no spacing rules. It has been left up to us and the operators. They can drill from the same pad to cut back on the amount of disturbance.

-Sheri Eklund-Brown stated that there are drillings everywhere and homes everywhere in rifle.

-Barry Perryman commented that they are cobane methane they are very shallow and unitized, the well heads are covered.

-Jerry Smith said to develop best management practices drill 2 to 3 holes from one pad less this ensures that there is less disturbance. These will be identified in the LUP.

-Ken Loda commented that we need to look for the show stoppers. Why wouldn't we want this to happen?

-Sheri Eklund-Brown added, even though it is private we still have some control.

-Ken Loda replied when doing split estate we still have to complete the NEPA as we would with any project.

-Sheri Eklund-Brown questioned, if it is private property are we out of it then.

-Ken Loda responded, yes.

-Ken Miller questioned if they have the right to bid.

-Larry Barngrover added we don't want to look for energy. We need to encourage that the best management plan be put into the LUP. If it is restricted to only documenting it then this might not be affected.

-Jerry Smith replied that entering into a lease issues/concerns are discussed up front. We don't pinpoint where those issues or concerns are but they are noted in the lease. These issues are also addressed in the environmental assessment. The bureau has requested that an alternative drill site be used versus the original proposed site to accommodate for these issues or concerns.

-Larry Barngrover asked if the Battle Mountain District gets involved when it is time to do specific restrictions on development.

-Ken Loda said the Winnemucca District Office is in the process of doing their Resource Management Plan these issues and concerns will be addressed in the plan.

-Judy Overton asked if consideration of allotments is taken into affect.

-Jerry Smith responded that it's all considered.

-Sheri Eklund-Brown asked if they actually do full consideration.

-Jerry Smith responded, yes. Smith also said Battle Mountain is wide open right now there is very little surface occupancy. Newmont had surface land but they could not give us the minerals so we did not take the land.

-Patsy Tomera reminded all that all they have to do is a mineral research.

-Sheri Eklund-Brown added that who had the mineral rights is on the title reports.

-Ken Loda responded that if they don't look at all of the deeds then they will put the last name they see on the reports, they need to do research to actually see who has the rights.

-Patsy Tomera replied that the Homestead Act only allows 1 section per person.

-Cyd McMullen said that there was an increase with the Desert Land Act.

-Patsy Tomera said the best way to do this is to get a lawyer and have the minerals done.

-Vince Garcia thanked Ken for all of the information on behalf of the RAC.

#### **Public Comment Period opened at 10:00a.m.**

-Kevin Lee wanted to let everyone know that there would be an interagency fire meeting on May 23<sup>rd</sup> in Elko at 10:00. Lee also stated that the Nevada Department Of Transportation (NDOT) and Nevada Department Of Wildlife (NDOW) are partnering to reduce wildlife crashes on 93, North of Wells and I-80, East of Wells. They are looking at overpasses and underpasses for wildlife. NDOT has set aside 1.5 Million dollars and NDOW is trying to get 1.5 Million dollars.

-Ken Miller asked if this will be on the interstate.

-Kevin Lee said 3 would be east of Wells and 3 would be north of Wells.

-Ken Miller asked if this would include wild horse and burros.

-Kevin Lee said if they come up with money. He said that they are having the University monitor to see if it is working and if it is worth the money to be spent on it.

-Patsy Tomera asked if the Pequops were done in this study.

-Kevin Lee replied, yes they did underpasses but most of the animals were not using them. Lee also said that only a fraction of the animals that are getting hit have been reported (about 18%).

-Patsy Tomera questioned the location of the underpasses if any would be located around the Carlin areas.

-Kevin Lee responded that right now they are focusing on the Wells area.

-Neil Frakes asked if they are going to do soil and vegetation on the over passes.

-Kevin Lee answered yes, that is the idea.

-Ken Miller asked how wide will the overpasses/underpasses be.

-Kevin Lee responded that the overpasses/underpasses will be 166 feet.

-Patsy Tomera suggested when they build them to put more passing lanes on the roads.

-Kevin Lee said that the study for more passing lanes has been done.

-Ken Miller wanted to know how wide for vehicles.

-Kevin Lee said about 28 to 32 feet, that it would basically be a tunnel.

### **III. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT (SNPLMA) ROUND 9 PROJECTS**

The Southern Nevada Public Lands Management Act (SNPLMA) became law in October, 1998 and was enacted to provide for the orderly disposal of identified federal lands in Clark County, Nevada. The revenue derived from land sales is split between the State of Nevada General Education Fund (5%), the Southern Nevada Water Authority (10%), and a special account available to the Secretary of the Interior for:

- ***Parks, Trails, and Natural Areas***
- ***Capital Improvements***
- ***Conservation Initiatives***
- ***Multi-Species Habitat Conservation Plans (MSHCP)***
- ***Environmentally Sensitive Land Acquisitions***
- ***Lake Tahoe Restoration Act Projects***

To date sold or exchanged lands are 35,000 acres, most have been 10 to 50 acres parcels. One larger project (500 acres) in Henderson, Nevada is still pending. There has been a total of 34,481 acres conveyed. The Act has acquired more land then what has been sold to date. The main categories of work are two categories support local government projects: parks, trail, and Natural Areas in Lincoln County and White Pine County. The other category is Clark County MSHCP Development and implementation. There are six categories that support federal agency projects: land acquisitions in Nevada, restoration projects under the Lake Tahoe restoration act, capital improvements, conservation initiatives, hazardous fuels reduction and wildfire prevention, and eastern Nevada landscape restoration project.

The nomination to approval process is:

- Call for Nominations
- Subgroups
- Partners Working Group
- Public and Resource Advisory Council Review
- SNPLMA Executive Committee Final Recommendation
- Secretary of Interior Approval

It usually takes about 1 year to get approved on most of the projects.

-Kevin Lee asked when the next round of nominations would be.

-Steve Tryon replied, in September.

-Ken Miller asked if Eureka and Elko County are getting any of this money.

-Steve Tryon responded that it depends on the county and what they want.

-Sheri Eklund-Brown questioned if some of the funding is going to local governments for the lands bills. Brown added that Elko County has done some submittals but you need a lot of acres to get any funding.

-Patsy responded that Elko has been involved in it.

Steve Tryon discussed Category 5 conservation initiatives and stated that it should be more on research and data. Tryon also added that there are 25 positions that are funded by conservation.

Category 6 is for the Lake Tahoe Restoration it has been a 10 year legislation piece of work but then they realized they don't have the funding to do the needed projects. This funding will help the Lake Tahoe Restoration.

Category 7 is hazardous fuels reduction and wildlife prevention, working on Lake Tahoe, Carson Range, and the South part of State Spring Mountain.

Establishment of ENLRP:

- Legislative findings: increasing threat of wildfire threatens homes, watersheds/soils, and T&E species habitat, forest and rangeland in the Great Basin are degraded.
- Legislative Purpose: support the Great Basin Restoration Initiative; ensure resilient and healthy ecosystems in the Great Basin by restoring native plant communities and the natural mosaics on the landscape that function within the parameters of natural fire regime.

Overall we are looking at doing projects in a timely manner. As of now there are 8 rounds they are working on and 23% have been completed or terminated. There are a total of 858 projects.

-Sheri Eklund-Brown asked if there is a limit per round that is approved.



-Steve Tyron responded, yes at first they took everything because they thought they were going to lose funding. But now they really look at each project and analyze it before approving them. Tyron also added that there is a 10 year report being done right now.

### **Where has the value of BLM Lands Gone?**

Total revenue from sales and interest is \$3,245,584,449

Disbursements to Nonfederal Entities is \$1,632,118,728 which is 50.3%

Total retained within Federal Ownership is \$1,613,465,721 which is 49.7%

Through Round 8 Park, Trail and Natural Areas Category has used the most money with \$1,133,741,144.

The trend over time is for less money to go to Clark County and more going to the other counties.

In Round 9 there is \$25 million dollars recycling back in from projects that were done under budget. Round 9 preliminary recommendation to capital improvements: improve the hiking trails near Ely and to build a seed warehouse near the Ely BLM District Office. The warehouse would serve 4 states Arizona, California, Nevada, and Utah.

-Patsy Tomera asked if they would be growing the seed locally.

-Steve Tryon replied that said some of it would be grown locally.

-Jon Griggs questioned if it would be cold storage.

-Steve Tryon stated that there will be cold and dry storage.

-Patsy Tomera questioned if they would be working with NDOW on the project

-Mike Herder responded that the BLM has not worked with them on this project.

-Barry Perryman said that he had some disillusion with the recommendations for this round. Perryman stated that he thinks the priority for this round is poor and also stated they need to look at the lands that need to be restored in Nevada.

Steve Tryon said it is an individual response and that he would suggest that the RAC take their recommendations and comments to the director.

-Barry Perryman said he would like to have the process changed so that projects are looked at the resource base.

-Tom Connolly commented that the Nature Conservancy bought the ranch and sold it to the Forest Service and now it is the Moonscape Wilderness Area. Connolly also asked why is the Forest Service getting money and why are they not restoring the ranch?

-Steve Tryon questioned what county the ranch is in.

-Tom Connolly replied that it is in Lyon County.

-Steve Tyron stated that SNPLMA funds cannot be used in that county.

-Tom Connolly said they should not acquire land if they can't take care of it (Forest Service, Rosache Ranch).

- Ken Miller commented that he would love to have it in Elko County.
- Sheri Eklund-Brown added that it is cycling off of Las Vegas and is contributed back to it.
- Patsy Tomera said that we don't want to be dependent on the government.
- Sheri Eklund-Brown commented that Elko County would need a lands bill to open it up.
- Steve Tryon added that in Round 9 under the Parks, Trails and Natural Areas there are 5 proposed park facilities that are being looked at for upgrades in Ely, Ruth, and McGill. They are also adding picnic areas and playgrounds.
- Patsy Tomera asked if anything was being done with the old train station.
- Mike Herder responded that there are no proposed projects for this round that involve the Nevada Northern Railway.
- Larry Barngrover questioned if the RAC could endorse the project.
- Barry Perryman responded yes.
- Steve Tryon said the other Round 9 Preliminary Recommendations are: Ward Mountain Restoration; Kern Mountains and Blue mass Scenic Restoration- Phase 1 is in the works then they will continue up to phase 4; Snake Valley invasive weeds; Pinyon-Juniper (PJ) Thinning and Aspen Restoration; Landscape level vegetation management plan; and Camp success fuels reduction thinning vegetation near camp sites.
- Larry Barngrover wanted to know if the thinning of vegetation was going to be on both sides.
- Steve Tyron responded that he was not sure.
- Patsy Tomera wanted to know if there were problems with thinning of PJ with the Western Watersheds Project.
- Mike Herder responded yes that the Environmental Assessments (EA's) have been appealed and that FOIA's have been requested of the same group.
- Barry Perryman asked if the BLM staff is preparing the FOIA's.
- Mike Herder answered yes most of them have been completed by the staff.
- Larry Barngrover asked if BLM can charge them for the hours lost.
- Mike Herder responded yes.
- Sheri Eklund-Brown questioned if they can do it themselves with supervision.
- Mike Herder said yes.

-Larry Barngrover asked if the BLM is keeping a log on the amount of time it takes them to do the FOIA's.

-Mike Herder replied yes that the Ely District Office has been documenting everything.

-Steve Tryon said on the Land Sale Trends usually the program runs off of the interest but interest rates are down then the bureau would have had to go into the pot to take money out. Tryon added that when the office prepares for a sell and then the seller backs out it becomes a waste of time for everyone concerned.

-Sheri Eklund-Brown questioned if there is a penalty for those that drop out.

-Steve Tryon said no but they are changing the process to a sealed bid so they won't know what everyone else is doing.

-Sheri Eklund-Brown asked if they have to show financial ability.

-Steve Tryon responded yes they have to have 20% down that day.

-Kevin Lee questioned when land is sold how much is brought back into the public entities.

-Steve Tryon said this is not yet known.

-Kevin Lee commented about Rights-of-ways sold to developers and then having the developer sell them back to the state.

-Steve Tryon commented that this won't be really looked at until June 2<sup>nd</sup> during the comment period all comments need to be in writing.

**- Jon Griggs motioned to draft a comment letter with the RACs concerns regarding spending to SNPLMA projects; Jeff White seconded the motion. All in favor.**

**-Jeff White motioned that the letter include the RACs concerns with prioritizing projects with the ecological needs; Sheri Eklund-Brown seconded the motion. All in favor.**

**-Sheri Eklund-Brown motioned that the letter show favorable comments of the seed warehouse to be located in Ely, Nevada; Jon Griggs seconded the motion. All in favor.**

Barry Perryman and Stephanie Trujillo will coordinate and draft the letter.

#### **IV. SOUTHERN NEVADA WATER AUTHORITY UPDATE**

There are three ongoing projects:

- SNWA project: 328 mile pipeline, 329 miles power line and the N-S from Lincoln and White Pine Counties to Las Vegas Valley
- LCLA: Tule Desert and Clover Mountains to N of Mesquite (45 mile pipeline)
- Kane Springs: Kane Springs Valley to Coyote Springs Valley (13 mile pipeline)

The Lincoln County Conservation Recreation & Development Act was passed in November 2004 and it created pipeline corridors in Lincoln County and Clark County. The BLM will issue rights-of-way for these corridors per NEPA. It established BARCASS and provides

data collection in Nevada and Utah. The final report has been completed and is available. This requires a Nevada-Utah State Engineer agreement prior to removal of water from joint Nevada-Utah basins.

-Sheri Eklund-Brown asked if they were looking where the money goes and from what Counties.

-Dan Netcher said no.

The Lincoln County Projects:

LCLA (Tule-Clover) Utility R/W: 45 miles pipeline with associated wells, pump stations, power lines also telephone, natural gas and power line utility delivery. The draft EIS is in internal review process. Scoping occurred in 2006 and there were approximately 225 comments.

Kane Springs Valley has the final EIS completed and the 30 day review ended March 10. This is 13 miles of pipeline with associated telephone/telemetry lines, power lines, wells and pump stations. Currently the ROD is being worked on and should be out within the next month or two.

The SNWA application was received in 2004 and modified by SNWA in 2006 and 2007.

The water facilities are:

- 328 miles buried water pipeline (30"-84" diam)
- Associated facilities, pumping stations
- 14 wells in Spring Valley
- 40 million gallon buried storage reservoir
- 150 ml gal/day water treatment facility

The Power facilities are:

- 349 miles 230-kv, 69 kv & 25 kv power lines
- 8 electrical substations
- 4 hydro-turbine energy recovery facilities

-Barry Perryman commented on putting a tap every 2 miles and questioned if the EIS included the possibility of doing this.

-Dan Netcher responded no, it's not included. BLM has been trying to get them to put this in and the discussion is still ongoing.

-Barry Perryman wanted to know if they have a positive attitude.

-Dan Netcher answered yes. They have been working with SNWA with the stipulated agreement and doing monitoring programs and water models.

What's been done so far?

- Scoping conducted in 2005 & 2006: 7,500 comments received half of comments were form letters
- Tribal consultation with 7 tribal governments, 1 tribal organization and there are 30 tribes that have interest in the project area
- They have coordination with 15 Cooperating Agencies

What's next?

- April 2008- SNWA delivered the conceptual computer model and is under review of Cooperating Agencies. Agreement with USGS and 3<sup>rd</sup> party are reviewing the model, their intent is to get this model as good as can get it.
- July 2008 BLM finalize preliminary Draft EIS for review of cooperating agencies
- November 2008- BLM issues Draft EIS for public review

-Sheri Eklund-Brown asked at what level can they protest the EIS.

#### Water Rights

- State Engineers for Utah and Nevada administer water rights within their states
- BLM's task is to analyze impacts of right-of-way, present alternatives, make a decision on right-of-way, and final decision in late 2009.

-Kevin Lee questioned the size of pipes and if they have leaks and leaks.

-Dan Netcher said yes, it is part of the overall part design.

-Barry Perryman asked how the USGS studies are coming along.

-Dan Netcher said that the draft is done and was finalized last month. Netcher added that the State Engineers have the say, BLM does not have a say in how much water SNWA can or cannot pump.

Stipulated Agreements: they are working with DOI with stipulation on Spring Valley, Delmar Cave, Dry Lake valleys. Working with process to deal with amount of water and pumping agreements to continue to be land managers.

-Sheri Eklund Brown asked what happens if the State Engineers don't do stipulations.

-Dan Netcher said if they can't agree then it goes up higher to the committees, then the State Engineers and then to court.

## V. **BLM REORGANIZATION (3-Tier)**

### **Battle Mountain District**

-Jerry Smith (Battle Mountain) said that this is a statewide reorganization and it will go from 2-tier consisting of State Office and Field Office to 3-tier consisting of State Office, District Office, and Field Offices. Still have the State Office and 6 District Offices; Elko, Battle Mountain, Winnemucca, Carson City, Ely, and Vegas. The Battle Mountain District Office now has the Mount Lewis Field Office and the Tonopah Field Office. Doug Furtado is the Mount Lewis Field Manager and Tom Seley is the Tonopah Field Manager. The Fire division, Support Services, and the planning division will remain in the District Office.

-Vince Garcia asked what is the benefit of the change.

-Jerry Smith responded it is to provide better service and to bring the line authority down to issue decision within a specific geographical area.

-Ken Miller added that the benefit is to bring both Renewable and Nonrenewable together since they are doing the same related work.

### **Elko District**

-Ken Miller (Elko) said that the Elko office split their District in half. The Wells Field Office (East half of district) and the Tuscarora Field Office (West half of district). Both field offices have complete staff. The 3-tier organization should be in effect by October 1, 2008. The Elko, Ely, and Battle Mountain Districts are already in the 3-tier.

-Jon Griggs asked if the fire rehab will work for both.

-Ken Miller answered that the Fire Management Officer will do both.

-Vince Garcia said in the past you would move a lot of employees around for fire season will this stay the same way.

-Ken Miller replied if it is in the Wells Field Office the resource advisor from that field office will be more involved to give more advice. Tom, the ESR Rehab employee, will be tied real close to both Field Managers. Miller also said they will be lending people back and forth between field offices, it will be more effective and the focus will be greater.

-Sheri Eklund-Brown asked if the staff size has remained the same.

-Ken Miller said yes.

-Sheri Eklund-Brown questioned what his title and duties will be.

-Ken Miller said he is the District Manager and wants the district to continue to be team members that work well and hard together and share resources. If we just could have enough people that would help. The District Manager will try to make sure barriers aren't being tossed up.

-Mike Herder said in a 2-tier when a decision was to be made it was made by the District Manager now the Field Managers should be able to make most of the decisions. When a project came in we had to pull someone from each office and now we have a standard ID team for this.

-Jon Griggs added that his experience with this was a hold up with decisions.

-Vince Garcia asked if this included Litigation.

-Mike Herder said he hopes not.

### **Ely District**

-Mike Herder replied that Ely has the District Office, and three Field Offices. The Shell Field Office (East side), the Egan Field Office (West side) and the Caliente Field Office (South side).

The District Manager Staff was too large so it was better to put employees into the field offices, this is more formalized.

The State Director notified everybody that we would be moving two tiers to three. Each District Office is in the process of sending out letter to all constituents.

## **VI. GREEN ENERGY & TRADITIONAL ENERGY PROJECTS**

### **Battle Mountain District**

-Jerry Smith provided a handout of maps with the Battle Mountain District Office area's on the map. Smith commented that it is starting to pick up in Battle Mountain near Tonopah. Elko has some and Ely will be going over their coal fired power plants.

-Jeff White asked if all of the exploration and produce is authorized as a rights-of-way (ROW).

-Jerry Smith said that geothermal is operated under the Steam Act as long as they are on their lease if they go off their lease then it would be a ROW.

-Jeff White asked if it was a Solar ROW.

-Jerry Smith said yes.

-Jerry Smith said the lease operates under the Steam Act within the lease, power lines and ROW. There are 2 different kinds of solar, there is photovoltaic where you're using the panels and then there's another process where panels are used to generate heat which heats up water which makes steam which then generates electricity. Battle Mountain has both types in these 3 solar projects and those are under rights-of-way just like met towers.

-Larry Barngrover asked what met towers are.

-Jerry Smith said they are meteorological towers.

-Jeff White added that the presumption is it's always windy. They are used to look at what is necessary to generate wind power from farms. The state of Nevada has done wind inventory state-wide and still there is a lot of potential but not like everywhere.

### **Elko District**

-Ken Miller added in Elko District, the big green activity and action for us is the wind power project that's called China Mountain that extends from Idaho down into Nevada just north west of Jackpot and that's the one that we'll visit in June 19 and 20 and our share of the project is 25 turbines that will come down into Nevada. The notice of intent (NOI) was prepared as an EIS and was published in the national register last Friday. The BLM is used to federal register notices taking time to get published and can a couple of months before occur. We were caught off-guard with the changed rules of publishing time. When it was sent in it was our intent to have it published June 6 or as soon as possible (after June 6), it was published within 3 days. Public scoping meetings should start occurring in June. The proponent is Renewable Energy System but they changed their name to China Mountain Wind Energy LLC. As of Monday of this week they signed with Nevada Power so they now have a purchaser for power coming off of that grid. The EIS is underway. All

production of Geothermal in Elko is on private land, there are no requests for permits to explore or develop. Geothermal leases can be generated by somebody having an interest in leasing, depending on the place and the other parameters around that particular area, these can be competitive or noncompetitive leases. There was someone that wanted a lease in the Ruby Marsh areas, we said no based on the input from a lot of individuals especially from the Te-Moak Tribe. This is considered a spiritual sacred ground. The decision was appealed and taken to the interior board of land appeals (IBLA). The lease was revisited and IBLA came back and agreed with our decision. There are no solar activities proposed in Elko at this time.

### **Ely District**

-Mike Herder said that Ely has 12 proposed wind energy development projects within the Ely district. Two of the projects are at the stage where they have meteorological towers in place or are proposing to put them in place shortly, some have been in place for several years and have determined that there is sufficient wind for development. The Ely District office has received two draft proposals for wind farm development, the table mountain area near Pioche and one in the Spring Valley area. There are a number of environmental concerns but we are proceeding with the initial phases of developing an EIS for both of these projects. In association with the Spring Valley wind projects there will be some wildlife monitoring studies done this summer, in particular a cave that has a large bat colony there. Cases where wind energy projects cause significant bat fatalities. Herder added that he is not aware of any solar projects proposed within the district.

-Sheri Eklund-Brown asked if there are wind projects located in the west corridor.

-Mike Herder said  $\frac{3}{4}$  of the proposed projects are in Spring Valley, a few have been proposed in the Shell Creek Range and 2 at the north end of the Ely range on the west side of the district.

-Sheri Eklund-Brown asked if they are going to be difficult for transmission to come out.

-Mike Herder responded not in all the areas, the way wilderness regulations are designed we have to make sure we are preserving scenic values and solitudes of the areas.

-Neil Frakes requested to read a letter to the RAC members from the Bristlecone Alliance. The Alliance members are very excited about the green energy in Nevada. The letter was read and submitted to Stephanie Trujillo for the record.

## **VII. GRAZING PERMIT RENEWALS**

### **Ely District**

-Mike Herder (Ely) said that the Ely office is dividing the allotments into the different 3-tier field offices. Working to get staff their assignments. There are 44 renewals scheduled for the district this year. 5 are in the Egan Field Office, 14 in the Shell Field Office and 25 are in the Caliente Field Office. Where there are not major issues they are using a CX to this point to issue term permit renewals, going to EA's where there have been larger scale issues. There has been a change in policy recently on the part of the department and that has been that the CX for issuing term permit rules has had a stipulation that requires you to



determine that noxious or invasive weeds not be sustained or worsened by the issuance of a permit. This may substantially affect the amount of time to do term permit renewals.

## **Elko District**

-Ken Miller (Elko) said that Elko has done 27 permits so far this year. They have a total of 241 permits due. This is a very big challenge and very slow process. Huber Vineyard was appealed and the office had to stop working to deal with the appeal and the FOIA's received. Elko is going to try to bundle a bunch of permits together and do an EIS, they have asked for additional funding with the intent to bundle 80 to 100 permits in one package. This may help us to get caught up.

-Sheri Eklund-Brown asked if you do an EIS how does that pertain to the each individual

-Ken Miller said it will be very specific on each issue. Elko will address the same ones and the same standard all in one shot. This would be more availability to stand appeals.

-Sheri Eklund-Brown asked if there be any corrective action to mention the EIS

-Ken Miller said that he doesn't know yet. They would address fixes as they occur the EA's are so complex and thorough now they are almost at EIS level now.

-Sheri Eklund-Brown asked if they will take into account for everything

-Ken Miller replied yes.

-Patsy Tomera asked if they will do the whole package in one.

-Ken Miller said yes, it will be the same issues and the same questions and the same objections.

-Patsy Tomera said that writing the same thing for all makes sense.

-Ken replied that it sounds good but we will see if it will work.

-Jon Griggs asked if the appeals to date are boilerplate.

-Ken Miller said yes.

-Larry Barngrover asked if there will be implications of not meeting deadlines.

-Ken Miller said yes there will but they will be within the organization and not to the permittee.

-Jerry Smith said if we can't get it done by the set 09 deadlines there may be pressure to let the rider go a few more years. We cannot count on that, we cannot count on Congress to give you what you want; if they've been granting the rider which allows us to renew them without fully processing them. We are trying desperately to meet deadlines. A lot of people

are knocking on the doors of Congressional Delegates saying we need more time, whether they'll take an action of extending the rider. We will do our best to get them done.

-Barry Perryman questioned where the staff is at.

-Jerry Smith replied that Battle Mountain is fully staffed but the staff goes up and down. People move on, they work 2-4 years but then they move on and we replace them. There is no issue with replacing them but it usually takes up to 9 months to replace an employee.

-Ken Miller said they are down 1 range con. Miller said they used to have 10 range Cons and now they have only 7, they just don't have enough staff to get them done.

-Barry Perryman asked if it was the approval process that takes the time (when filling vacancies).

-Ken Miller said yes, the paperwork, advertising, and the background checks.

-Mike Herder said this is not just range staff you have to have someone from each department to process the FOIA requests.

-Jeff White asked what about various FOIA requests; the litigation is not just affecting the range program, it is rippling across all the programs. Is there a farm-out opportunity?

-Ken Miller said yes we have got at least 2 permittees funding the contract of the EA itself because they're afraid to wait. They want to see their permits renewed. Elko can't super batch all 241 to get them done by 09.

-Vince Garcia asked if the 3-tier reorganization has an affect on the permit renewals.

-Ken Miller said yes it is agitating but hopefully in the long run it will be better.

-Vince Garcia commented in the past if we knew it was going to a problem we would have called the state office and told them.

-Ken Miller responded that Elko doesn't expect the transition to slow us down.

-Jerry Smith said that it is the same people doing the same amount of work, when the teams are assigned their work they will have to deal with the issues.

-Sheri Eklund-Brown asked if they should be more familiar with their areas in time.

-Jerry Smith responded yes.

### **Battle Mountain District**

-Jerry Smith (Battle Mountain) stated that there is nothing new to report that's different from last meeting in Ely. We are preparing monitoring reports for the Potts allotment and we are working on the Truckee River Ranch, Smokey River Valley, Stanley Hooper, and McCloud Ranch. We are doing 7 renewals this year, 28 by the end of 09, 18 in 09, and 2 in 2010.

-Sheri Eklund-Brown questioned how many allotments Battle Mountain has.

-Jerry Smith replied around 60.

-Sheri Eklund-Brown asked how the allotments are determined.

-Jerry Smith said it originally started before the Taylor Grazing Act, areas were being grazed, and the state laws dealt with water and had water controlled grazing on the land. When the Act passed the livestock industry wanted some control over nomadic grazing taking place. The Battle Mountain is one of the last districts in the lower 48 to be formed. An advisory board was set-up with members of the ranching communities had grazing advisory councils. They sat down and regulated with the District Manager and set up a priority year established who had what private property dependent on public lands to graze livestock. The BLM through advisory boards established areas of base property and season of use. The advisory board with the BLM established administrative boundaries with everybody having their own geographical spot. The BLM started fencing these administrative units into individual allotments to individual permitting.

-Patsy Tomera said the grazing forum was set up because cattlemen and sheep were fighting.

-Barry Perryman commented that in 1911 when the Forest Service took over the Santa Rosa District there were 15,000 head of cattle.

-Jerry Smith said we are on track to meet our 7 permits for renewal this year (Battle Mountain). We have collected data and are meeting with the permittees to start talking about what changes need to be taking place in order to be making significant progress towards our standards. Some of those meetings get quite heated, we invite Katie Fite to participate in the meetings and that's working very well for us, we have come to agreements. Western Watersheds Project has allowed our permit renewals to go through. We all meet at the table with our permittees.

-Tom Connolly requested at an upcoming meeting to discuss a complete renewal, the process and to go over the form.

-Jerry Smith commented that he can provide this.

-Question was asked if money fell out of the sky would it be possible to meet the amount of renewals for this year for Elko.

-Ken Smith replied no.

## **VIII. OHV UPDATE**

### **Battle Mountain District Office**

-Jerry (Battle Mountain) (passed out a map) the project that we have been working on for the last four years is coming down to the end. The Shoshone Range OHV anticipated decision was signed May 5<sup>th</sup>, there will be a 30 day appeal process to follow. GBI will be re-flagging it during the summer of 2008; we will begin monitoring in fall of 2008. The

construction will start in 2009. We will build phase 1 and monitor it to see if it can be managed and controlled. If it works then we will work on the other phases.

## **Elko District**

-Ken Miller said that the ATV effort continues to be pretty much focused on Spruce Mountain. The ongoing effort is to complete the inventory of existing roads and trails, do an inventory of current users to be used in a draft recreation management plan by the end of this field season. Bulk of the inventory on roads was done last summer, hopefully finish up this season and have a good grasp of what's there and what we'd recommend keeping and closing. The draft plan will be out by the end of this field season, which means October. That's really our focus, the only other OHV effort we're working and we're trying to get working more seriously, it's not really an off-highway vehicle, it's a motor cross track for Elko County.

-Jeff White asked if there is a site already picked out.

-Ken Miller replied west of Elko by I-80 about 8 miles.

## **Ely District**

-Mike Herder (Ely) most of the effort has been focused on the resource management plan, which is nearing completion and should be done by the end of this year, OHV designation is part of that plan. We have several OHV events occurring across the district. Under the Lincoln and White Pine County Lands bills we are doing feasibility studies for the Silver State Trail. We are working with the coordinated resource management steering committee in White Pine, focusing on the South Steptoe Valley area, South of Ely. That technical review team has completed their initial route recommendations and will begin a process to develop alternatives. We need to designate routes and trails across the district, looking into a variety of different processes of route designation.

-Tom Connolly asked if areas would be available during fire season.

-Mike Herder responded that it depends on the area, but right now they are all open. When the ROD is signed it will identify which are opened and closed.

-Question of the Hell's half Acre's status?

-Mike Herder said there is some use and inquiry if they can use it for rock climbing, right now it's okay, but for long term use it will depend on routes. We are incorporating it into the resource areas.

-Larry Barngrover asked if they anticipate any seasonal closures.

-Mike replied yes.

-Sheri Eklund-Brown asked if some would be available.

-Mike said yes.

-Lisa Wolf questioned if the Battle Mountain district was looking at this for their district.

-Jerry responded that right now it will all be done through the Land Use Plan.

## **IX. MINING UPDATE**

-Jeff White said the statistics for the end of 2007 in the state of Nevada both private and public there are 150,000 acres permitted for mining activity, of that about 108,000 were disturbed or involved in active mining, from those 108,000 produced over 5 billion minerals. 12,000 people are directly employed in mining. Metals prices being what they are has resulted in an increase of exploration and work load. The topic of split estate brings up an interesting problem with regard to certainty of the reclamation projects in the state. Dave Gaskin is working on this regulation. NDEP has had some change in the staffing in the regulation branch. Recently a workshop was sponsored by women in mining in Winnemucca to talk about the mining law reform. The activity continues industry, interest groups, and congress working on the language for the revision of the Mining Act. Ruby pipeline natural gas pipeline running across the northern part of the state has potential impacts to surface users during construction. Barrick and Newmont mines are working with the proponent for the 680 mile natural gas pipeline running across Wyoming, Utah, and Nevada. This is a 1.9 Billion Project and work will commence on May 10.

-Ken Miller said they are having a public meeting for the Ruby Pipeline tonight in Winnemucca.

-Jerry Smith asked if they are looking at our communities where this pipeline is going from one place to another, are local communities going to be able to tap in, drill a hole and hook your pipe up to it.

-Ken Miller said yes.

-Jeff White commented on an action related to mining and ecological health even though the facility is outside of this RAC's preview the Lone Tree Mine in closure and reclamation evaluating the land use for this. Newmont is evaluating it to see if there are other uses for the facility. They are proposing maybe a seed warehouse. They already have the shop facility and storage facility for rangeland forest restoration.

-Lisa Wolf asked about the reclamation on abandoned sites.

-Barry Perryman asked are you saying any Oil & Gas applications.

-Jerry said 1 APD (railroad Valley)

Ely -1 (railroad Valley)

Elko- 1 (North of Eureka)

-Lisa Wolf commented that she was doing research on reclamation grants most of the grants were for coal related reclamation, AML Abandoned.

-Jeff said it is required by both state and federal law as a permittee to estimate reclamation and post a financial guarantee. If the company doesn't do the reclamation then the money is used for the reclamation process. The money Lisa is talking about is Army Corps of Engineers to do reclamation on the abandoned mine land programs.

-Mike Herder said that Ely has 2 projects they are working on that are abandoned.

-Lisa Wolf questioned if they were addressing it under control, and if the funding needs improved.

-Ken Miller said we have a lot of dollars to go after the projects to fence it off.

-Jeff White said that Nevada Department of Mining has a program to identify all of the sites and then prioritized them on their hazards.

-Sheri Eklund-Brown said that there are 300,000 abandoned mine sites and everyone is trying to work on getting these done. How is the mining company handling this?

-Jeff White said the mining operation is completing inventories of our active, reclaimed, and disturbances on an annual basis, these are due to the state at the end of the month. Individual permittee pays a fee for each acre of disturbance, \$150 for public and \$350 for private, this goes to the Division of Minerals into the abandoned mines program.

-Barry Perryman said it is a state operation.

## **X. FIELD MANAGER AND DISTRICT RANGER REPORTS**

-Jerry Smith stated that Battle Mountain was going to do the RMP in FY 09 but there is not funding in the FY 09 budget so the new start date will probably be in 2010. They will try to have RMP training done before the start date.

### **Forest Service Update**

-Terry Chute (Forest Service District Ranger, Humboldt-Toiyabe National Forest, Ruby Mountains & Jarbridge Districts).

The Forest Service is putting in the paper their selection of outfitter guides for late June. The Mountain City Rangeland Management EIS is underway. One-third of the district was nearly burned in the Murphy Fire. Due to changed conditions and focus of fire restoration, that analysis has been put on hold and is expected to begin again in 2010. The Humboldt-Toiyabe National Forest and Elko BLM District have entered into a service first agreement to increase cooperation and sharing of resources for fire suppression. The intent is to reduce redundant overhead personnel between agencies and get more financial resource to the ground to put fires out.

-Mike Herder provided a handout of the proposed power plant areas in Ely.

Sheri Eklund-Brown said we can't rely on renewable energy to satisfy power needs at this time there needs to be a balanced energy portfolio.

### **Any other issues or concerns**

-Kevin Lee commented that the BLM should be recognized for their help out with the Wells earthquake.

-Ken Miller noted that Mike Brown is leaving in 2 weeks and that there will be a farewell luncheon at the Pizza Barn in Elko on May 7<sup>th</sup> at 11:30.

**Barry Perryman moved the meeting adjourned and the motion was seconded by Jeff White. All in favor. Meeting adjourned at 4:07 p.m.**

Minutes by Stephanie Trujillo and Leesa Marine